



# COURT NEWS

SPECIAL EDITION

## 1998 Legislative Summary

**D**uring the second year of the 1997–1998 legislative session, the Legislature and Governor enacted more than 125 bills that affect the courts and are of general interest to the legal community. Brief descriptions of these measures follow, arranged according to the primary code sections affected. Designators indicate whether the measure is of primary interest to judges and/or court administrators in trial courts (T) or appellate courts (A).

The effective date of legislation is January 1, 1999, unless otherwise noted. Urgency measures normally take effect upon enactment, and some measures have delayed operative dates. Those dates are included where applicable.

The bill descriptions are intended to serve only as a guide to identifying bills of special interest; they are not a complete statement of statutory changes. Code section references are to the sections most directly affected by the bill; not all sections are cited.

Until the annual pocket parts are issued, bill texts can be examined in their chaptered form in *West's California Legislative Service* or *Deering's Legislative Service*, where they are published by chapter number.

Chaptered bills and legislative committee analyses can be accessed at [www.leginfo.ca.gov/bilinfo.html](http://www.leginfo.ca.gov/bilinfo.html) on the Internet. Individual chapters also may be ordered directly from the Legislative Bill Room, State Capitol, Sacramento, CA 95814, 916-445-2323.

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### RESOLUTION

**JUROR APPRECIATION WEEK** T  
*ACR 118 MORROW, RES. CH. 47*  
Declares that the second full week in May of each year, commencing in 1998, shall be Juror Appreciation Week.

### BUSINESS AND PROFESSIONS CODE

**LEGAL DOCUMENT ASSISTANTS** T  
*SB 1418 ROSENTHAL, CH. 1079*  
*B&P 6401 et seq.*  
Defines “legal document assistants” and the “self-help services” they can provide. Establishes a registration program for legal document assistants with the county clerk; requires a \$25,000 bond; requires the legal document assistant to enter into a contractual agreement for services pursuant to regulations to

be adopted by the Department of Consumer Affairs; creates a right of action for any injury; creates a misdemeanor for noncompliance with these requirements. The bill sunsets on January 1, 2003.

### CIVIL CODE

**SMALL CLAIMS: CIVIL RIGHTS** T  
*AB 2702 ARONER, CH. 195*  
*CIV 52.2*  
Clarifies that the jurisdiction of small claims court includes claims for civil rights violations up to \$5,000.

### CODE OF CIVIL PROCEDURE

**CIVIL ACTIONS AND PROCEEDINGS: OMNIBUS BILL** T  
*AB 1094 ASSEMBLY COMMITTEE ON JUDICIARY, CH. 932*  
*CCP 77, 484.70, 484.350, 2025; GOV 68152*  
Among other provisions, revises writs of attachment statutes so that all references are to court days; corrects reference to California Work Opportunity and Responsibility to Kids Act (CALWORKS) in in forma pauperis statutes. Requires a deposition notice to state any intention to obtain instant access to stenographic material via computer display and requires the notice to be given to the deposition officer. Authorizes the Chief Justice to designate a municipal court judge to the appellate division of the superior court provided certain criteria are met. Allows for the destruction of an application for in forma pauperis at any time after the disposition of the underlying case. (See also AB 2150 and SB 2145.)

**SMALL CLAIMS: DEFENDANT GUARANTORS** T  
*AB 771 MARGETT, CH. 240*  
*CCP 116.220, 116.570*  
Increases the small claims court jurisdiction over defendant guarantors to \$4,000 in cases tried after January 1, 2000. Requires the court to grant one postponement of the hearing date upon written request of the defendant guarantor, without a hearing.

**FRIVOLOUS MOTIONS: SANCTIONS** T  
*SB 1511 HAYNES, CH. 121*  
*CCP 128.6, 128.7*  
Repeals the January 1, 1999, sunset on provisions authorizing trial courts to impose sanctions on attorneys, law firms, or parties found to have violated a requirement that every pleading, petition, written notice of motion, or other similar paper in a complaint, petition, or other paper filed after January 1, 1995, be signed by the attorney of record, or if a party is unrepresented, by the party, thereby certifying to the best of the person's knowledge, information, and belief that it is not being presented for an improper purpose and that the claims, defenses, legal, and factual contentions are warranted, as specified.

**COURT PROCEEDINGS: DISQUALIFICATION OF JUDGES** T  
*AB 1199 ALBY, CH. 167*  
*CCP 170.6*  
Permits the party who appealed a final judgment to file a Code of Civil Procedure section 170.6 motion to disqualify a judge when the case is reversed on appeal and assigned to the same trial judge on remand, regardless of whether that party or side has made a previous section 170.6 motion in the action.

**CHILDHOOD SEXUAL ABUSE: TIME OF COMMENCING ACTION** T  
*AB 1651 ORTIZ, CH. 1032*  
*CCP 340.1*  
Permits victims to bring actions for childhood sexual abuse under the extended statute of limitations against not only alleged perpetrators, but also a person or entity who owed a duty of care to the plaintiff. Requires that a plaintiff sue the third-party defendant on or before the plaintiff's 26th birthday.

**MINORS SEEKING PROTECTIVE ORDERS** T  
*SB 326 LESLIE, CH. 706*  
*URGENCY, EFFECTIVE: 09-22-98*  
*CCP 372, 374, 374.5*  
Requires courts to allow minors over the age of 12 to appear in court without a guardian and without counsel to request or oppose a protective or restraining order. Authorizes minors under the age of 12 to appear in court without counsel, but with a guardian, for the same purpose. Requires the Judicial Council to adopt related forms.

**JURY FEES: RETENTION** T  
*SB 1520 KOPP, CH. 1003*  
*CCP 631.3; GOV 27081.5*  
Provides that jury fees eligible to be returned to the depositor are forfeited unless requested of the court in writing within 20 days of trial settlement, dismissal, or continuance, unless the court finds there was insufficient time to notify jurors that the trial would not proceed at the set time. Clarifies that forfeited jury deposits are required to be deposited in the State Trial Court Trust Fund rather than the county general fund.

**DOMESTIC VIOLENCE: COMMENCEMENT OF ACTIONS** T  
*SB 1939 ALPERT, CH. 123*  
*CCP 640*  
Extends the statute of limitations for the commencement of an action for recovery of damages suffered as a result of domestic

violence. The action must be commenced either within three years from the last act of violence or within three years after the plaintiff discovers, or reasonably should have discovered, that the injury or illness resulted from an act of domestic violence by the defendant, whichever is later.

**CONSTRUCTION DEFECTS: SETTLEMENT: ENTRY OF JUDGMENT** T  
*AB 1950 TORLAKSON, CH. 856*  
*CCP 664.7; R&T 19719*  
Authorizes the court to enter judgment pursuant to a settlement of a pending construction defect action if the parties stipulate personally or, where a party's contribution is paid on its behalf pursuant to an insurance policy, through their respective counsel.

**LIENS AND ENCUMBRANCES** T  
*SB 1759 AYALA, CH. 779*  
*CCP 765.010; GOV 6223, 27201*  
Among other things, creates an expedited action and an order to show cause, filed pursuant to a Judicial Council form, to clear title to property from an unlawful claim of encumbrance. Provides for a civil penalty of \$5,000 for knowingly filing or directing another to file an unlawful claim of encumbrance, and specifies that an unlawful encumbrance include a notice of lis pendens.

**VALIDATING PROCEEDINGS: SUMMONS** T  
*AB 2049 FIRESTONE, CH. 529*  
*CCP 861.1*  
In an action brought by a public agency in the superior court to determine the validity of certain government actions or obligations, revises the notice contained in the summons in a newspaper of general circulation designated by the court.



**ARBITRATION:  
ATTORNEYS**

**T**  
*AB 2086 KEELEY, CH. 915  
CCP 1282.4*  
Effective until January 1, 2001, permits persons licensed to practice law in any other state to represent a party in an arbitration proceeding in California or to render legal services in connection with an arbitration if that person fulfills certain requirements, including serving the arbitrator with a certificate containing specified information. Also permits any party to an arbitration arising under a collective bargaining agreement to be represented by any person.

**MEDIATION**

**T**  
*SB 19 LOCKYER, CH. 618  
CCP 1775.16*  
Makes permanent the mediation pilot project in the Los Angeles courts and other courts that self-select by authorizing participating courts to order parties to mediation in civil cases where the amount in controversy is less than \$50,000.

**ELECTIONS CODE****DOMESTIC VIOLENCE:  
CONFIDENTIAL  
ADDRESSES**

**T**  
*SB 489 ALPERT, CH. 1005  
ELE 2166.5; GOV 6205*  
Creates an address confidentiality program operated by the Secretary of State for victims of domestic violence or those who fear domestic violence. The program includes a substitute address, a mail-forwarding service, and name and address confidentiality in marriage and voter records. Sunsets on January 1, 2005.

**EVIDENCE CODE****SEX OFFENSES**

**T**  
*AB 1926 WILDMAN, CH. 127  
EVI 1103*  
Makes evidence of the manner in which the complaining witness in a rape prosecution was dressed inadmissible, with the exception of the condition of the clothing at the time the offense was committed, when offered by either party on the issue of consent, unless the court finds the evidence relevant and admissible in the interests of justice. Requires the court to state on the record the reasons for admitting or excluding the evidence.

**FINANCIAL CRIMES:  
RECORDS**

**T**  
*AB 976 PAPAN, CH. 757  
EVI 1221; GOV 7471, 7476;  
PEN 939.2, 939.6; R&T 18645,  
19545*  
Excepts from confidentiality provisions of the California Right to Financial Privacy Act the dissemination of financial records upon a written ex parte application by a peace officer

to a judge. Requires the court to find that the affidavit in support of the subpoena duces tecum complies with procedural requirements before turning over any records to the district attorney, public defender, or defendant's attorney.

**PROOF OF THE CONTENT  
OF A WRITING**

**T**  
*SB 177 KOPP, CH. 100  
EVI 1500, 1520, 1550, 1552,  
1553; PEN 827.5, 1417.7*  
Substantially revises the rules governing the proof of the content of a writing in a civil or criminal action or proceeding.

**FAMILY CODE****DOMESTIC VIOLENCE:  
CONFIDENTIALITY OF  
IDENTIFYING  
INFORMATION**

**T**  
*AB 1900 CARDENAS, CH. 511  
FAM 240, 4977, 4978, 6322.5,  
6327*  
Establishes a procedure for seeking an ex parte order prohibiting the disclosure of the address or other identifying information of a party or child in an interstate child support case if the court finds disclosure would put the party or child at unreasonable risk for specified harm. Requires the Judicial Council to adopt forms and notices to implement the procedure.

**FAMILY LAW: OMNIBUS  
BILL**

**T**  
*AB 2801 ASSEMBLY  
COMMITTEE ON JUDICIARY,  
CH. 581  
FAM 2020, 2101, 6380; CCP  
366.2, 527.6, 527.8; PRO 810,  
811*  
Conforms various technical procedures and definitions for obtaining protective orders under the Domestic Violence Prevention Act and the Code of Civil Procedure relating to the Workplace Violence Act and civil harassment protective orders. Clarifies the definition of "abuse" in the Domestic Violence Prevention Act. Requires revisions to Judicial Council forms.

**MARITAL DISSOLUTION,  
LEGAL SEPARATION,  
NULLITY STATISTICS**

**T**  
*AB 913 RUNNER, CH. 225  
FAM 2348*  
Requires the clerk of the superior court of each county to report annually to the Judicial Council the number of judgments for dissolution of marriage, legal separation, and nullity entered in that county. Also requires the clerk of the superior court to report, after the Judicial Branch Statistical Information System is operational, the number of orders relating to child custody, visitation, or support.

**CUSTODY AND  
VISITATION: SEX  
OFFENDERS**

**T**  
*AB 1645 TORLAKSON, CH. 131  
FAM 3030*  
Requires the court to state in writing or on the record its reasons for granting custody or unsupervised visitation to a person who is required to register as a sex offender for an offense against a child or who has been convicted of one of several enumerated offenses against a child.

**CUSTODY AND  
VISITATION: PARENT  
CONVICTED OF MURDER**

**T**  
*AB 2386 BORDONARO, CH. 705  
AB 2745 CARDOZA, CH. 704  
FAM 3030; W&I 362.1*  
Prohibits the family or juvenile courts from granting custody or unsupervised visitation to a parent convicted of murdering the child's other parent, unless the court finds, in writing or on the record, that there is no risk to the child's health, safety, or welfare. Specifies that the court may consider the child's wishes, evidence that the convicted parent was a victim of domestic violence perpetrated by the deceased parent, and expert testimony. Prohibits any person from taking a child to visit or remain in the custody of the convicted parent without a custody or visitation order or the consent of the child's custodian or guardian.

**INTERPRETERS: CUSTODY  
PROCEEDINGS**

**T**  
*AB 1884 CEDILLO, CH. 981  
FAM 3032*  
Requires the Judicial Council to establish a one-year pilot project in two courts, including Los Angeles, in which the court provides an interpreter to any party the court determines is unable to pay for such services in a child custody or domestic violence proceeding. The pilot project is funded with \$1 million in the Budget Act.

**DOMESTIC VIOLENCE:  
COURT-ORDERED  
COUNSELING**

**T**  
*AB 1837 ALQUIST, CH. 229  
FAM 3190*  
Requires the family court, when determining whether it is appropriate to order outpatient counseling for parties involved in a custody or visitation dispute, to consider, among other relevant factors, any history of domestic violence within the past five years between the parents, between the parent or parents and the child, or between the parent or child and any other party seeking custody or visitation.

**SUPPORT ORDERS:  
EARNINGS  
ASSIGNMENTS**

**T**  
*AB 960 WRIGHT, CH. 854  
FAM 3653, 4205, 5235, 5241;  
W&I 11350.1*  
Requires the court, absent a finding of good cause not to do so, to make an order modifying or terminating a child support

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order retroactive to the date of employment or the date of service of a motion or order to show cause for modification or termination, whichever is later, if the modification or termination is sought because of the unemployment of one of the parties. Prohibits a support obligor from being held in contempt or subject to criminal prosecution for nonpayment of support when support has been withheld from the obligor's earnings pursuant to an earnings assignment order that the obligee has not received. Requires the district attorney to include in all notices requesting a meeting with the support obligor a statement advising the obligor of the right to have an attorney at the meeting.

**CHILD SUPPORT  
ENFORCEMENT**

**T**  
*AB 2169 KUEHL, CH. 858  
FAM 3773, 4014, 7571, 7572,  
7573; H&S 102766; UIC  
1088.5; W&I 11350.6, 11475.8*  
Makes technical corrections to statutes relating to the enforcement of child support as required by federal law. Clarifies that in ensuring the confidentiality of support enforcement and abduction files, no case information shall be released about the whereabouts of either a party or a child if a protective order has been issued or if the agency responsible for establishing or enforcing support has reason to believe that the release of the information may result in physical or emotional harm to either the party or the child.

**EVALUATION OF CHILD  
SUPPORT COMMISSIONER  
PROGRAM**

**T**  
*AB 2498 RUNNER, CH. 249  
FAM 4252*  
Requires the Judicial Council to convene a workgroup to establish criteria to evaluate the child support commissioner system and to establish successful outcomes for that system. Requires the Judicial Council to evaluate the child support commissioner system and to report its results and recommendations to the Legislature by February 1, 2000.

**DOMESTIC VIOLENCE:  
PROTECTIVE ORDER  
REGISTRY**

**T**  
*AB 1531 SHELLEY, CH. 187  
AB 2177 KUEHL, CH. 702  
FAM 6380, 6380.5; EVI 1109;  
PEN 136.2, 1203.097, 13701,  
13711  
SB 1682 SOLIS, CH. 707*  
Amends the time within which prosecutors are required to disclose evidence in domestic violence cases. Provides that certain

firearm information must be transmitted to the Department of Justice for inclusion in the statewide domestic violence protective order registry. Revises the disbursement of funds collected from persons participating in batterers' programs.

Clarifies procedures to ensure that criminal court protective orders are entered in the statewide domestic violence protective registry. Requires the court or its designee, within one business day of the issuance of criminal court protective orders, to enter the terms of the order into the California Law Enforcement Telecommunications System (CLETS) or to transmit the order to law enforcement personnel authorized to enter the data into CLETS.

Enacts provisions relating to domestic violence protective orders to bring California into compliance with the federal Violence Against Women Act. Clarifies that a valid domestic violence protective or restraining order issued by a court of another state, tribe, or territory need not be registered in the domestic violence protective order registry before it may be enforced as if it had been issued by a court of this state. Expands the information in the Judicial Council's informational packets regarding procedures to obtain domestic violence orders to include general information about agencies in other jurisdictions that may be contacted regarding enforcement of out-of-state orders. Requires the Judicial Council to adopt rules of court establishing the process for registering a foreign protective order, sealing a foreign protective order, and limiting access to, among others, law enforcement personnel and the person who registered the order.

**DOMESTIC VIOLENCE  
COURTS: DESCRIPTIVE  
STUDY**

**T**  
*AB 2700 KUEHL, CH. 703  
FAM 6390*  
Requires the Judicial Council to conduct a descriptive study of the domestic violence courts in California and other states, and report to the Legislature by March 1, 2000. The study will identify issues and potential obstacles, if any, to be considered in developing and implementing effective domestic violence courts at the local level.



**FOSTER CARE: ADOPTION: ENFORCEMENT OF SUPPORT** T

AB 2773 ASSEMBLY COMMITTEE ON HUMAN SERVICES, CH. 1056  
FAM 8700, 8707, 8708, 8711; H&S 1505, 1530.8; W&I 319, 361.3

Conforms state law to the recently enacted federal Adoptions and Safe Families Act, which requires states to enact or amend provisions to expedite permanent placement of foster children. Among other things, shortens the time frames for reunification services for dependent children.

**ADOPTION OF DEPENDENT CHILDREN: CONTACT WITH SIBLINGS** T

AB 2196 WASHINGTON, CH. 1072

FAM 8715; W&I 366.29, 16002  
Authorizes the dependency court, with the consent of the adoptive parents, to include in the adoption order provisions to facilitate postadoptive sibling contact. Allows adoptive parents to terminate sibling contact upon written notice to the court that continued contact poses a threat to the health, safety, or well-being of the adopted child. Requires that the case plan, prepared when parental rights have been terminated and the child is to be placed for adoption, include a recommendation regarding sibling visitation and a report on the steps taken to facilitate ongoing sibling contact, unless the court determines that contact is detrimental to the child.

**FOSTER PARENT AND CAREGIVER ADOPTIONS** T

AB 2286 SCOTT, CH. 983  
FAM 8730

Changes adoption procedures for relative caregivers and foster parents with whom a child has lived for a minimum of six months. Requires relative caregivers to have had an ongoing and significant relationship with the child in order to receive consideration for expedited adoption proceedings. Gives discretion to the Department of Social Services, adoption agencies, and the court in determining the requirements of the home study.

**FAMILY LAW INFORMATION CENTERS** T

AB 2207 ESCUTIA, CH. 721  
FAM 15000

Creates a pilot project to establish family law information centers, in up to three courts, to provide information and assistance to low-income family law litigants. Provides that the pilot projects will be administered by the Judicial Council, and mandates that each information center be supervised by an attorney. Provides that in courts with a family law facilitator, the pilot project shall coordinate its services with the services of the family law facilitator, and that in at least one pilot project, the family law facilitator shall staff and provide

the services of the family law information center. Specifies that the information center shall not represent any party and that no attorney-client relationship is thereby created. Requires confidentiality of all information provided by or to any party. Requires the Judicial Council to conduct an evaluation of the pilot project and report to the Legislature. The bill sunsets on January 1, 2003.

**GOVERNMENT CODE****COURT UNIFICATION: PROPOSITION 220** T

SB 2139 LOCKYER, CH. 931  
URGENCY, EFFECTIVE: 09-28-98

AMENDS OR ADDS VARIOUS CODE SECTIONS TO GOV, B&P, CIV, CCP, EDU, ELE, EVI, FAM, FIN, F&G, F&A, H&N, H&S, INS, LC, M&V, PC, PRC, PUC, R&T, UIC, VC

Makes statutory changes to implement and conform existing law to the unification of the superior and municipal courts pursuant to Proposition 220, the court unification measure on the June 2, 1998, ballot.

**COURT STAFFING: OMNIBUS BILL** T

SB 1825 SENATE COMMITTEE OF JUDICIARY, CH. 973  
GOV (VARIOUS APPLICABLE SECTIONS)

Makes conforming changes to various superior and municipal courts' staffing and compensation.

**RECORDS** T

SB 143 KOPP, CH. 620  
GOV 6252-6258

Revises certain definitions and requirements regarding public records and duties of agencies holding and disclosing such records. Requires parties requesting access to public records to make requests in writing before filing an action to enforce the right to access.

**STATE AGENCIES: ETHICS ORIENTATION** T

AB 2179 SPECIAL COMMITTEE ON ASSEMBLY LEGISLATIVE ETHICS, CH. 364  
GOV 11146

Requires certain officials and employees of state agencies to attend once every two years an orientation course on the relevant ethics statutes and regulations that govern the official conduct of state officials. Requires each state agency to offer the course at least semi-annually.

**CRIME VICTIMS: PARENTAL ABDUCTION AND DOMESTIC VIOLENCE** T

AB 1803 LEMPET, CH. 700  
GOV 13960

Applies the presumption that a victim of crime who sustains emotional injury has also sustained physical injury to a child who is a victim of the crime of deprivation of lawful child custody. Also applies this presumption to a child who has

witnessed a crime of domestic violence.

**TRIAL COURT FUNDING** T

AB 1301 ORTIZ, CH. 146  
URGENCY, EFFECTIVE: 07-13-98  
GOV 24353, 26857, 27361, 68085, 68085.5; PEN 1463.001, 1463.007

Among other things, provided a \$90 million advance to allow courts to pay their expenses and meet payroll in July and August; provided a transfer of \$20.5 million from the General Fund to the Trial Court Trust Fund to reflect fine and penalty revenues remitted to the General Fund by counties in the first half of the fiscal year; provides flexibility in the timing of the Judicial Council's allocation of funding to the courts; and reinstates the penalty on late court fee remittances by counties.

**TRIAL COURT FUNDING: BUDGET TRAILER BILL** T

AB 1590 THOMSON, CH. 406  
URGENCY, EFFECTIVE: 08-26-98

GOV 26863, 68090.7, 77201, 77201.1, 77201.3; W&I 100  
Enacts statutory changes necessary to implement the budget related to trial court funding. Delays adjustments to the county trial court funding maintenance of effort payments required by the Lockyer-Isenberg Trial Court Funding Act (Stats 1997, ch. 850) from fiscal year 1997-1998 to 1998-1999, repays counties in lost relief resulting from the delay over five years, and buys out 17 additional counties beginning in fiscal year 1999-2000. Corrects the trial court funding revenue base amount for eight counties. Provides that micrographics automation fee revenues may be used only on court automation. Increases the maximum Court-Appointed Special Advocate grant levels from \$20,000 to \$35,000 in counties with a population of less than 700,000, and to \$50,000 in counties with a population of 700,000 or more. (Please note: The provisions of this bill relating to county trial court funding payments and adjustments were superseded by AB 2788.)

**TRIAL COURT FUNDING CLEANUP** T

AB 1935 ARONER, CH. 1004  
GOV 68070, 68085; CCP 631.3

Imposes a penalty on counties for late General Fund and revenue maintenance of effort payments to the state for trial court funding. States legislative intent that civil fees should be remitted as soon after collection by the courts as possible, and requires the Judicial Council, in consultation with county representatives, to study and make recommendations to the Legislature on alternative procedures that would improve the collection and remittance of revenues. Revises expenditure and coordination reporting requirements in light of the passage of the Lockyer-Isenberg Trial Court Funding Act (Stats. 1997,

ch. 850) and Proposition 220. Authorizes a county to lend funds to trial courts to address cash-flow or other emergency monetary needs and to charge interest for loans made to a court to fund court operations, subject to approval by the Judicial Council. Provides that the presiding judge, or his or her designee, may not authorize any expenditure in excess of the budget authorized by the Judicial Council. Requires the Administrative Director of the Courts to notify the Judicial Council of any court in violation of this provision, and permits the council to appoint a person to manage the expenditures of that court. Requires courts and counties to enter into written contracts on the use and provision of county services commencing in fiscal year 1999-2000, and requires the contract to identify the scope of service, method of service delivery, and cost of the service. Provides that jury fees eligible to be returned are forfeited, unless requested of the court in writing within 20 business days of the trial settlement, dismissal, or continuance and the court finds there was insufficient time to notify the jurors that the trial would not proceed at the time set.

**COURTS: JURY SERVICE** T

SB 1947 LOCKYER, CH. 714

GOV 68550  
Requires the Judicial Council to adopt a rule of court requiring every trial court to adopt by January 2000 a one-trial or one-day jury service requirement, except in those counties that can demonstrate good cause that such a requirement is impractical.

**JUDGES' RETIREMENT** A,T

SB 2163 HUGHES, CH. 212  
GOV 75033.5, 75075, 75076, 75077, 75520, 75522

Eliminates the age-based reduction in judges' retirement benefits, and restores the surviving spouse benefit.

**TRIAL COURT FUNDING: COUNTY FISCAL RELIEF** T

AB 2788 THOMSON, CH. 1017  
GOV 77201.1, 77201.3

Provides for county fiscal relief through trial court funding. Adds Tulare County to the list of 17 counties for which the state will assume specified trial court funding payments beginning in fiscal year 1999-2000. Advances from five to three years the repayment of excess trial court funding contributions from counties in fiscal year 1997-1998 through a reduction in other payments. Also appropriates approximately \$16.6 million to the trial courts to offset this repayment in fiscal year 1998-1999.

**TRIAL COURT SECURITY: SHERIFF'S DEPARTMENT: CONTRACTING** T

AB 92 CARDOZA, CH. 764  
GOV 77212.5

Commencing July 1, 1999, requires the trial courts in counties

where the sheriff is required by law to provide court security to enter into an agreement with the sheriff's department regarding the provision of court security services.

**HEALTH AND SAFETY CODE****HEALTH-CARE SERVICE PLANS: ARBITRATION** T

SB 1702 ROSENTHAL, CH. 838  
H&S 1373.21

Requires that if health-care service plans use arbitration to settle disputes, such arbitration awards are to be accompanied by a written decision to the parties that contains specified information.

**HEALTH-CARE COVERAGE** T

SB 955 ROSENTHAL, CH. 836  
H&S 1386, 1388, 1391, 1392, 1393

Authorizes the Commissioner of Corporations, without notice and before applying to the court for an order, to take possession of various assets and property of a health-care service plan if irreparable loss and injury to the plan's enrollees have occurred or may occur unless the commissioner acts immediately. Specifies procedures that authorize the commissioner to appoint a conservator to manage the plan. Requires the commissioner to apply to the superior court for an order confirming the commissioner's appointment of the conservator.

**CONTROLLED SUBSTANCES:****ABATEMENT** T

AB 1384 HAVICE, CH. 613  
H&S 11571, 11571.1

Authorizes a pilot project in specified courts in the Los Angeles area that allows a participating city attorney or city prosecutor to bring an action for unlawful detainer against any person who is committing a nuisance related to controlled substances. Provides for partial eviction, recovery of costs, imposition of civil penalties, and the release of law enforcement reports and records to the landlord. Requires participating courts to submit to the council a summary of the case on a form created by the Judicial Council. The pilot program sunsets on December 31, 2000. Requires the Judicial Council to submit a report to the Senate and Assembly Judiciary Committees by January 1, 2001.

**DRUG COURT PARTNERSHIP ACT OF 1998** T

SB 1587 ALPERT, CH. 1007  
URGENCY, EFFECTIVE: 08-29-98

H&S 11970

Establishes the Drug Court Partnership Act, and requires the Drug Court Partnership Program to be administered by the State Department of Alcohol



and Drug Programs (DADP) to demonstrate drug courts' cost-effectiveness. Appropriates \$4 million for this purpose. Requires DADP to design and implement the program with the concurrence of the Judicial Council. Specifies that the program shall award grants on a competitive basis to applicants who develop and implement postplea, post-conviction drug court programs likely to provide the greatest public safety benefit and to be the most cost-effective in reducing state and local costs.

**DEPENDENCY  
MEDIATION: FEES** T  
AB 2229 KEELEY, CH. 1062  
H&S 103625

Extends the sunset date from December 31, 1998, to June 30, 1999, on the authorization for counties to collect an additional \$3 fee for certified copies of birth certificates to fund mediation services in juvenile dependency cases.

## PENAL CODE

**INTERPRETATION OF  
CRIMINAL PROVISIONS** T  
SB 2061 RAINEY, CH. 162  
PEN 7.5

Provides that the code section shall take precedence over uncoded descriptive language in the case of any ambiguity or conflict in interpretation between the two. States that descriptive language shall be deemed as being offered only for ease of reference unless it is otherwise apparent from the context that the descriptive language is intended to narrow the application of the referenced code section or particular provision of the code.

**SEX OFFENDER  
REGISTRATION** T  
AB 2680 WRIGHT, CH. 960  
PEN 17, 290.5; GOV 68551

Provides that a judge is not authorized to relieve a defendant of the duty to register as a sex offender if the trier of fact has found the defendant guilty of an offense that requires registration.

**OBSTRUCTION OF JUSTICE:  
JUDICIAL OFFICERS** T  
AB 1922 FIRESTONE, CH. 512  
PEN 96.5

Makes it a misdemeanor for a judicial officer, court commissioner, or referee to commit an act that he or she knows or should have known perverts or obstructs justice or the due administration of the law.

**CRIMINAL STREET GANGS:  
NUISANCE** T  
SB 2034 LOCKYER, CH. 631  
PEN 186.22a

Provides that whenever an injunction is issued to abate gang activity constituting a nuisance, the Attorney General may maintain an action for money damages on behalf of the community or neighborhood injured by that nuisance.

**DOMESTIC VIOLENCE** T  
AB 1767 HAVICE, CH. 699  
SB 1470 M. THOMPSON, CH. 182  
PEN 243, 836

Broadens the range of potential victims covered by the definition of a misdemeanor offense of spousal battery to include a person with whom the defendant currently has or previously had an engagement relationship. Expands authorization for warrantless arrests.

**VANDALISM** T  
AB 1897 ALQUIST, CH. 851  
PEN 594

Authorizes the court to order the payment of up to \$250 for law enforcement costs of identifying and apprehending a defendant, in addition to any other punishment or fine, by a person convicted of vandalism. Moneys shall be applied to law enforcement costs after all other penalties and restitutions have been paid. The bill sunsets on January 1, 2002.

**VANDALISM** T  
AB 1386 GOLDSMITH, CH. 853  
PEN 594.6, 640.7

Increases penalties for vandalism, and authorizes courts to impose community service as a condition of probation for persons convicted of vandalism or other specified offenses without the prerequisite of a prior conviction and incarceration.

**ANIMAL CRUELTY:  
PROBATION** T  
SB 1991 O'CONNELL, CH. 450  
PEN 597

Requires counseling as a condition of probation for any person convicted of any of various acts of animal abuse, including killing, maiming, mutilating, torturing, and cruelly overworking an animal. Requires a judge to specify the reasons on the record if he or she does not order custody as a condition of probation for a violation of the animal abuse law.

**PROSTITUTION:  
SUSPENDED DRIVER'S  
LICENSE** T  
AB 1788 WRIGHT, CH. 758  
PEN 647; VEH 13201.5,  
22659.5

Authorizes a judge to suspend for up to 30 days the driving privileges of a person convicted of soliciting or engaging in prostitution with the use of a vehicle within 1,000 feet of a residence. Also authorizes the court to restrict a person's driving privileges, for not more than six months, to driving to and from work or school and for employment purposes. Extends the current authorization for the establishment of a pilot project from January 1, 1999, to January 1, 2001, to any city or county that desires to adopt a pilot program that implements procedures to declare any motor vehicle a public nuisance when the vehicle is used for specified crimes relating to prostitution.

**CRIMINAL PROCEDURE:  
TERRITORIAL  
JURISDICTION** T  
AB 2734 PACHECO, CH. 302  
PEN 984.7

In cases involving offenses such as stalking that occur in more than one jurisdiction, jurisdiction is vested where at least one offense occurred if the defendant and the victim are the same in all the offenses.

**MURDER: JURISDICTION:  
SPECIAL CIRCUMSTANCE** T  
SB 469 RAINEY, CH. 549  
PEN 790

Provides that in a multiple-murder special circumstance case, the jurisdiction for any of the murders charged is the county that has jurisdiction for one or more of the murders as long as the charged murders are "connected together in their commission." Requires that the jurisdictional issue be subject to a hearing in the county attempting to consolidate the charged murders. Provides that if the charged murders are not consolidated into one case, then the other charges will be returned to their original jurisdiction.

**FRAUD: STATUTE OF  
LIMITATION** T  
AB 190 NAPOLITANO, CH. 944  
PEN 803

Provides that prosecutions for crimes associated with elder abuse and neglect not involving theft or embezzlement may be brought at any time within five years of the commission of the offense. Provides that the statute of limitations for crimes involving theft or embezzlement upon an elder or a dependent adult does not begin to run until the crime is discovered.

**ARREST WARRANTS:  
ELECTRONIC MAIL** T  
SB 1970 SCHIFF, CH. 692  
PEN 817, 1526

Allows for the issuance of arrest warrants by electronic mail and establishes procedural guidelines for taking statements of individuals seeking the warrant via telephone or electronic mail.

**PUBLIC SAFETY:  
OMNIBUS BILL** T  
SB 1880 SENATE COMMITTEE  
ON PUBLIC SAFETY, CH. 606  
PEN 831.5; VEH 13351.5

Among other things, until January 1, 2003, allows sheriffs in counties with a population of 100,000 or less to use correctional officers as interim court bailiffs. Codifies legislative intent that a lifetime ban on a driver's license for a person convicted of assault with a deadly weapon, when the weapon is a vehicle, does not apply to misdemeanor assault.

**GRAND JURY: REPORTS:  
INFORMATION,  
EVIDENCE** T  
AB 1907 WOODS, CH. 230  
PEN 924.4, 933, 934

Authorizes the grand jury to seek advice from the Attorney General. Clarifies that the grand jury is authorized to forward any records, information,

or evidence acquired during its term of service to the succeeding grand jury, except information that relates to a criminal investigation or information that could form the basis for an indictment. Requires the county clerk to forward to the state archives a copy of the grand jury report and any response by a public agency. Requires the state archivist to retain these files in perpetuity.

**GRAND JURY REPORTS** T  
SB 2100 POLANCO, CH. 79  
PEN 929

Allows a grand jury, with approval of the presiding judge, to release to the public non-privileged information relied upon for its final report in any civil grand jury investigation.

**GRAND JURY: MINORS** T  
AB 377 BAUGH, CH. 755  
PEN 939, 939.21

Allows a prosecution witness who is a minor appearing before the grand jury to have a support person of his or her choice present when the proceedings involve specified offenses. Requires that the grand jury foreperson instruct the support person that he or she cannot prompt, sway, or influence the witness in his or her testimony or discuss the proceedings with anyone not in attendance.

**CRIMINAL PROCEDURE:  
INDIGENT DEFENDANTS:  
CAPITAL CASES** A,T  
SB 1441 KOPP, CH. 235  
PEN 969 1/2, 987.9

States that confidentiality provisions of existing law shall not preclude any court from providing the Attorney General with access to protected documents when the defendant in a capital case raises an issue on appeal or collateral review and the records relate to that issue.

**TESTIMONY: PLACER  
COUNTY CLOSED-CIRCUIT  
TELEVISION** T  
AB 635 OLLER, CH. 356  
PEN 977.5; VEH 40502.1

Authorizes Placer County to establish a three-year pilot project permitting a court in that county to allow its peace officers, upon application by a law enforcement agency, to testify by closed-circuit television in an infraction or a misdemeanor trial when the defendant consents. Also allows the court, upon application of a defendant, to permit the defendant to testify by closed-circuit television, with the consent of the prosecutor, in cases involving infractions or misdemeanors. Permits a person held in custody on another matter to appear for arraignment on a Vehicle Code infraction by closed-circuit television. Requires the presiding judge of Placer County to evaluate the pilot project and report to the Legislature and the Judicial Council by January 1, 2001.

**BENCH WARRANT:  
FAILURE TO ENTER INTO  
WARRANT SYSTEM** T  
SB 1632 JOHNSON, CH. 183  
SB 1480 KOPP, CH. 520  
PEN 980, 1196, 1319.5

Provides that the court having jurisdiction over a bail bond shall, upon petition, set aside the forfeiture and declare liability on the bail bond to be exonerated if an agency fails to enter a bench warrant into the National Crime Information Center warrant system, and the court finds any of the following: The failure to enter the warrant into the warrant system prevented the bail agent from surrendering a fugitive into custody, prevented the bail agent from having a fugitive arrested or taken into custody, or resulted in the fugitive's release from custody.

**CRIMINAL RESTITUTION:  
DISCLOSURE OF FINANCIAL  
INFORMATION** T  
SB 1768 KOPP, CH. 587  
PEN 987, 1202.4; CCP 2033.5

Requires defendants to disclose information about assets they own or control in any case in which restitution may be ordered. This disclosure would be available to the victim. If the defendant fails to file the financial disclosure, authorizes the victim to access confidential financial information filed by the defendant for purposes of determining his or her ability to employ defense counsel. Allows consideration of the defendant's unreasonable failure to make the disclosure in the court's sentencing decisions. Requires the Judicial Council to develop and approve a form for the defendant's financial statement and form interrogatories for the use of the victim in seeking to collect under the criminal restitution order.

**CRIMINAL PROCEDURE:  
TRIAL DATE:  
CONTINUANCES** T  
AB 1754 HAVICE, CH. 61  
PEN 1048.1, 1050

Allows the court to continue a murder trial or hearing date for up to 10 court days when the prosecutor assigned has another trial or hearing in progress, and requires the court to make reasonable efforts to avoid scheduling a murder trial when the prosecutor has another trial set.

**SENTENCING** T  
SB 1900 SCHIFF, CH. 926  
PEN 1170, 1170.1, 1170.13,  
1170.15, 1170.95

Eliminates the five-year lid on subordinate terms when consecutive sentences are imposed in criminal cases.

**RESTITUTION ORDERS:  
ENFORCEMENT AS A  
CIVIL JUDGMENT** T  
SB 1608 AYALA, CH. 201  
PEN 1202.4, 1203.1

Provides that a criminal restitution order that is not satisfied on termination of probation shall be fully enforceable as a civil judgment by the victim or



victims named in the restitution order.

**RESTITUTION HEARINGS: ASSIGNED JUDGES** T  
SB 2021 SCHIFF, CH. 451  
URGENCY, EFFECTIVE: 09-14-98  
PEN 1202.41; GOV 13966.01; W&I 730.6, 730.7

Establishes a four-year pilot program for the purpose of collaborating with judges to amend restitution orders imposed pursuant to existing law.

**HOME DETENTION: ESCAPE** T  
AB 531 KNOX, CH. 258  
PEN 1203.016, 4532  
Makes it a crime for any person who is convicted of a felony and placed in a home detention program to escape from home detention. Clarifies that the failure to return to confinement subsequent to an authorized temporary release is an escape.

**PROBATION: 12TH GRADE EDUCATION** T  
AB 743 WASHINGTON, CH. 498  
PEN 1203.1abc  
Establishes a five-year pilot program in Los Angeles County upon approval by the Board of Supervisors to authorize the court to require any adult convicted of a nonviolent or nonserious offense to participate in a program designed to assist the person in obtaining the equivalent of a 12th grade education as a condition of probation. States that the pilot program will be deemed successful if at least 10 percent of participants obtain the equivalent of a 12th grade education within three years.

**INFRACTIONS: PENALTIES: COMMUNITY SERVICE** T  
AB 2197 WASHINGTON, CH. 1061  
PEN 1209.5  
Provides that, upon a showing that payment of a fine would be a hardship on the defendant or his or her family, a judge may instead sentence the defendant to perform community service. Provides, for purposes of this provision, that community service work be valued at the same hourly rate as community service work performed by criminal defendants.

**CRIMINAL PROCEDURE: APPEALS BY THE PEOPLE** A,T  
SB 1850 SCHIFF, CH. 208  
PEN 1238, 1466  
Allows the People to appeal from an order setting aside only a portion of the charging document, as well as an order or judgment after a verdict or finding of guilty.

**BAIL: HOLD ON RELEASE OF DEFENDANT** T  
SB 55 KOPP, CH. 726  
PEN 1275, 1275.1  
Revises the procedures for determining whether the source of bail is feloniously obtained prior to the defendant's release on bail. Provides that a judge or magistrate can place a hold

on a defendant's release on bail only upon filing of a declaration of probable cause made by either a peace officer or a prosecutor that the source of bail is feloniously obtained, or if the judge or magistrate has probable cause to believe that the source of the security was feloniously obtained. Provides absolute civil immunity for a prosecutor who executes this declaration.

**CRIMINAL PROCEDURE: BAIL** T  
AB 2083 BAUGH, CH. 223  
PEN 1300, 1305  
Requires the court to make the declaration of forfeiture of bail in open court upon the failure of a defendant to appear.

**CRIMINAL PROCEDURE: TESTIMONY: WITNESSES** T  
AB 126 PAPAN, CH. 97  
PEN 1346, 1347.5  
Expands the court's authority to allow the videotaping of testimony at a preliminary hearing or other criminal proceeding to include proceedings involving assault with the intent to commit rape and molesting a child under 18. Requires the Judicial Council to report to the Legislature on the frequency of the use and effectiveness of admitting the videotaped testimony by means of closed-circuit television.

**CRIME VICTIMS: CRIMINAL PROCEDURE** T  
AB 1077 CARDOZA, CH. 669  
PEN 1347  
Authorizes until January 1, 2001, the use of closed-circuit television when the testimony of a minor under the age of 10 will involve a recitation of facts about a violent felony committed upon the minor. Requires the Judicial Council to prepare and submit to the Legislature, on or before December 31, 2000, a report on the frequency of use and effectiveness of closed-circuit testimony.

**CRIMINAL PROCEDURE: CLOSED-CIRCUIT TESTIMONY** T  
AB 1692 BOWEN, CH. 670  
PEN 1347  
Allows minors 13 years of age or younger (rather than 10 years of age or younger as provided under current law) who are alleged victims of sexual offenses to testify by closed-circuit television, upon approval by the court.

**CRIMINAL PROCEDURE: DISMISSAL** T  
SB 1558 MCPHERSON, CH. 98  
PEN 1382  
Requires a court to order an action dismissed when the defendant is not brought to trial within 60 days of arraignment in superior court.

**CRIMINAL PROCEEDINGS: PROSECUTORS: RECUSALS** T  
AB 1858 ACKERMAN, CH. 51  
PEN 1424  
Provides that a court order recusing a district attorney from performing an authorized duty

may be reviewed either by extraordinary writ or by appeal.

**PRISONERS: TESTIMONY** T  
SB 1728 THOMPSON, CH. 122  
PEN 2624  
Allows a court, upon the written request of the party calling the witness, to order an incarcerated witness to testify in preliminary hearings and civil or criminal trials by means of two-way audiovisual communication. Provides that in criminal trials the audiovisual testimony shall be used only upon a waiver by the defendant of his or her constitutional right to compel the physical presence of the witness. The waiver may be rescinded by the defendant upon a showing of good cause.

**CONCEALED FIREARMS: LICENSE TO CARRY** T  
AB 1795 RUNNER, CH. 110  
PEN 12050; GOV 6254  
Includes judges, court commissioners, and magistrates among those whose home address and telephone number may not be disclosed from applications for licenses to carry firearms. Includes judges, full-time commissioners, and magistrates among those who are eligible for a three-year license to carry concealed firearms.

## PROBATE CODE

**ESTATES AND TRUSTS: PROTECTIVE PROCEEDINGS** T  
AB 2069 KALOOGIAN, CH. 682  
PRO 100, 101; B&P 6185  
Regarding the disposition of community or quasicommunity property upon the death of a married person, allows a husband and wife to agree in writing to divide such property on the basis of a non-pro rata division of the aggregate value of the property, on the basis of a division of each individual item or asset of the property, or partly on each basis. Provides that the transfer of such property prior to, on, or after January 1, 1999, to a revocable trust shall be presumed to be such an agreement. Revises the definition of claims in relation to the right of creditors to file a claim during the administration of a decedent's estate. Provides that no action or proceeding may be filed for imposition of a constructive trust or for other specified equitable claims without compliance with the provisions regarding that right. Provides that if a trustee commits a breach of the trust and has acted in bad faith and wrongfully taken, concealed, or disposed of property in or belonging to the trust, the amount of loss the trustee shall be charged with shall be deemed to be twice the value of the property.

**GUARDIANS AND CONSERVATORS: ACCOUNTING AND COMPENSATION** T  
SB 1487 RAINEY, CH. 103  
PRO 2628, 2942, 7666  
Authorizes a court to waive a requirement that guardians and conservators periodically present an accounting to the court relating to the assets of the estate if the value of the estate is less than \$10,000, rather than the current amount of \$5,000. Also raises the minimum compensation of a public administrator from \$600 to \$750.

## PUBLIC UTILITIES CODE

**PUBLIC UTILITIES COMMISSION: ADMINISTRATIVE PROCEDURE ACT: JUDICIAL REVIEW** A,T  
SB 779 CALDERON, CH. 886  
PUC 311, 311.5, 1701.1, 1701.2, 1701.3  
Creates a discretionary review by writ in the Court of Appeal for all Public Utilities Commission decisions. Establishes that adjudicative decisions shall be reviewed under the substantial evidence test and all other decisions shall be reviewed under the abuse-of-discretion test.

## VEHICLE CODE

**AUTOMATED ENFORCEMENT SYSTEMS: RED LIGHT CAMERAS** T  
SB 1136 KOPP, CH. 54  
VEH 210, 21455.5, 22451, 40518  
Repeals the sunset date and continues indefinitely the use of automated enforcement systems (cameras) and related special procedures.

**IGNITION INTERLOCK DEVICES: DRIVER'S LICENSE RESTRICTION** T  
AB 762 TORLAKSON, CH. 756  
DELAYED EFFECTIVE DATE: 07-01-99  
VEH 1803, 12813, 13352, 13352.4, 13352.5, 14601.2, 23160, 23161, 23166, 23167, 23186, 23187, 23203, 23204, 23235, 23246, 23247, 23249, 23249.1; H&S 11837, 11837.1  
Requires the Department of Motor Vehicles (DMV) to administer and monitor the interlock device program, which is currently administered by the courts, Administrative Office of the Courts, Judicial Council, and county probation officers. Provides that a court may require the DMV to prohibit a first-time DUI (driving under the influence) offender from driving without an Ignition Interlock Device for up to three years. Requires the DMV to order a two-year suspension of a person's driver's license if he or she is convicted of a DUI within seven years of a prior

DUI. Allows an offender to apply to the DMV for a restricted license after completing 12 months of the suspension or probation period under specified conditions. Provides that the court may direct the DMV to issue a restricted, not suspended, license that allows travel to employment or alcohol/drug treatment to a person convicted of a second DUI within seven years under specified circumstances. Requires the court to order a three-year revocation of the person's driver's license if he or she is convicted of DUI with injury within seven years of a prior DUI. Requires the court clerk to indicate the duration of the treatment program the judge has ordered on the abstract of judgment forwarded to the DMV. Allows an offender, after completing 18 months of the revocation period, to apply to the department for a restricted license under specified conditions.

**DRIVING RECORDS: NOTIFICATION: LICENSE SUSPENSION OR REVOCATION** T  
AB 2347 HOUSE, CH. 683  
VEH 1803.4, 13106  
Among other things, requires that the DMV, upon request, provide judges with information regarding a person's driving record, clearly stating whether the person has been officially served notice that driving privileges have been suspended or revoked.

**DRIVING OFFENSES: ALCOHOL AND DRUG ASSESSMENT PROGRAMS** T  
AB 1916 TORLAKSON, CH. 656  
VEH 1821, 23161; H&S 11837  
Requires the court, as a condition of probation, to refer a first-time DUI offender whose blood alcohol concentration was less than 0.20 percent to attend at least a three-month licensed program consisting of at least 30 hours of program activities. Requires the court, as a condition of probation, to refer a first-time DUI offender whose blood alcohol concentration was more than 0.20 percent or who refused to take a chemical test to participate in at least a six-month licensed program consisting of at least 45 hours of program activities. Requires the court clerk to indicate the duration of the court-ordered program in the abstract that is forwarded to the DMV. Provides that all counties must develop, implement, operate, and administer an alcohol- and drug-problem assessment program for any person who is convicted of a second DUI and once fails to comply with the rules of the program.

**PEACE OFFICERS: FLEEING: INCREASED PENALTIES** T  
AB 2066 SWEENEY, CH. 472  
VEH 2800.2  
Increases the penalties for a person who is convicted of evading a pursuing peace officer while



operating a motor vehicle under specified circumstances. Requires a punishment of mandatory confinement in state prison or in county jail of not less than six months. In addition, allows the court to impose both jail time and a fine from \$1,000 to \$10,000 for any person convicted of a felony or misdemeanor under this section.

**PEACE OFFICERS: FLEEING: INCREASED PENALTIES** T  
AB 1382 OLBERG, CH. 256  
VEH 2800.3  
Increases the punishment for driving a vehicle while evading a peace officer and causing a specified injury or death.

**TRANSPORTATION: OMNIBUS BILL** T  
AB 2132 ASSEMBLY COMMITTEE ON TRANSPORTATION, CH. 877  
VEH 13364, 40002.1, 40509  
Among other things, eliminates the waiting period of 15 days or more before courts report to the DMV information regarding an individual's failure to appear on a traffic infraction and failure to pay. Authorizes the DMV to include information in a driver's record regarding an individual's failure to appear and failure to pay if the bank dishonors the person's payment.

**DUI: CHOICE OF TEST** T  
SB 1890 HURTT, CH. 740  
VEH 21200.5, 23157; H&N 655.1; PUC 21407.2  
Eliminates a person's ability to choose a urine test instead of a breathalyzer test after being stopped for a DUI offense except under limited circumstances. Provides exceptions under which the urine test may be administered, such as when the officer suspects that the person is under the influence of drugs or a combination of alcohol and drugs.

**DUI: RECKLESS DRIVING: ALCOHOL AND DRUG EDUCATION PROGRAMS** T  
SB 1176 JOHNSON, CH. 487  
VEH 23103.5; H&S 11836  
Requires the court to order a defendant who pleads guilty to reckless driving after having been charged with a DUI to enroll in a licensed DUI program and complete, at a minimum, the educational component of the program, if the court has placed the defendant on probation for that conviction. Allows the court to exclude the educational component if compelling mitigating circumstances exist and the court states those circumstances and makes an affirmative finding to that effect on the record. Requires the DMV to include in its annual report to the Legislature an evaluation of the effectiveness of the program.

**DUI: PENALTIES** T  
AB 2674 CARDENAS, CH. 661  
VEH 23166  
Provides that a person who is put on probation for a second DUI conviction must receive as a condition of probation a minimum of 96 hours, but not more

than one year of county jail time. Requires that a sentence of 96 hours of confinement be served in two increments consisting of 48 continuous hours each. Specifies that the two 48-hour increments may be served nonconsecutively.

**OFF-HIGHWAY MOTOR VEHICLES: ALCOHOL AND DRUGS** T  
SB 1639 O'CONNELL, CH. 384  
URGENCY, EFFECTIVE: 08-24-98  
VEH 23220, 23222, 23223, 23225, 23226  
Expands the various laws regarding open containers of alcohol in motor vehicles on highways to include off-highway motor vehicles on specified public lands. Requires off-highway motor vehicles that have no trunk to keep any opened receptacle containing an alcoholic beverage in a locked container. Also expands the law prohibiting possession of less than one ounce of marijuana while driving an off-highway motor vehicle on specified public lands.

**VEHICLES: JAMMING DEVICES** T  
SB 1964 COSTA, CH. 493  
VEH 28150, 40000.15  
Prohibits any vehicle from being equipped with a device that is designed for, or capable of, jamming or disabling law enforcement radar. Prohibits the use, purchase, possession, manufacture, sale, or distribution of devices designed to jam or disable law enforcement radar.

**EQUIPMENT VIOLATION: LICENSE PLATE DISPLAY** T  
AB 1730 WRIGHT, CH. 885  
VEH 40202, 40225  
Clarifies that failure to properly display a vehicle license plate is an equipment violation (fix-it ticket) and allows for a \$10 reduced penalty upon proof of correction.

**TRIALS BY WRITTEN DECLARATION: JUDICIAL COUNCIL** T  
SB 1813 KOPP, CH. 265  
VEH 40902  
Permits the Judicial Council and local courts to adopt rules and forms for trials by written declaration for traffic infractions. Specifies that any statewide rule or form adopted by the council will supersede any local court rule.

## WELFARE AND INSTITUTIONS CODE

**JUVENILES: DETENTION** T  
SB 2147 BRULTE, CH. 694  
W&I 207.1, 207.5, 209, 210, 851  
Changes the regulation of juvenile detention facilities as it relates to minors in adult facilities, the suitability determinations for juvenile facilities, and the creation of a "home-like envi-

ronment" in juvenile facilities. Provides that upon a juvenile court judge's or the Board of Corrections' inspection of a juvenile facility, the judge or the Board must promptly notify the operator of the facility of any observed noncompliance with the standards set by law.

**JUVENILE COURT DEPENDENTS AND WARDS: ORDERS** T  
SB 2017 SCHIFF, CH. 390  
W&I 213.5, 241.1, 726.5, 728  
Authorizes the juvenile court in delinquency cases to issue restraining orders, make custody and visitation orders and paternity findings, and appoint a guardian. Requires the court to notify the superior court in which family court proceedings are pending, or in which guardianship was previously established, of these actions. Requires the clerk of the superior court to file that notice and mail a copy of the notice to all parties of record in the proceeding.

**JUVENILE DEPENDENCY: OMNIBUS BILL** T  
AB 1091 ASSEMBLY COMMITTEE ON JUDICIARY, CH. 1054  
W&I 215, 300, 300.1, 300.5, 301  
Eliminates the procedural distinction for children declared dependents before January 1, 1989. Changes the terms "probation officer" to "social worker," and "minor" to "child" throughout the dependency statutes.

**CHILD-ABUSE REPORTS: ATTORNEY'S ROLE IN DEPENDENCY REPRESENTATION** T  
AB 2316 KNOX, CH. 900  
W&I 317; PEN 11166.1  
Enhances the ability of an attorney representing a child who is in protective custody to obtain information regarding any abuse inflicted on the child. Also clarifies that the attorney in a dependency hearing is not required to assume the responsibilities of a social worker and is expected to provide legal services only.

**JUVENILE DEPENDENCY: CRIMINAL RECORD CHECK** T  
SB 645 POLANCO, CH. 949  
W&I 324.5, 361.3, 361.4  
Requires the court or county social worker to conduct a criminal record check on all persons over the age of 18 living in the home when considering placing a dependent child in the home of a relative, guardian, or other person who is not a licensed or certified foster parent. Requires a criminal record check on all persons over the age of 18 who may have significant contact with the child. Requires the court and social worker to consider the results of the criminal records and Child Abuse Index checks when assessing the safety of the proposed placement.

**JUVENILE DEPENDENCY: REUNIFICATION: EXEMPTIONS** T  
SB 2091 WATSON, CH. 75  
W&I 361.5  
In dependency cases, prohibits a parent from receiving reunification services if the parent has willfully abducted the child, or the child's sibling or half-sibling, from his or her placement, and refused to disclose the child's whereabouts or to return the child to the placement or the child's social worker.

**KINSHIP GUARDIAN ASSISTANCE PROGRAM** T  
SB 1901 MCPHERSON, CH. 1055  
W&I 361.5, 366.21, 366.22, 366.3  
Creates a new permanency placement option for dependent children called "kinship guardianship." Permits the court, upon appointing a relative as a dependent child's legal guardian at a permanency placement hearing, to terminate dependency jurisdiction and retain jurisdiction over the minor as a ward of the guardianship if the child has been placed with the relative for at least 12 months. Creates the Kinship Guardianship Assistance Payment Program (Kin-GAP) to provide financial assistance to relatives who are appointed legal guardians of dependent children.

**ADOPTION OF A DEPENDENT CHILD** T  
AB 2310 WRIGHT, CH. 572  
W&I 366.26  
Expands the options available to the juvenile court regarding placement of a dependent child, and sets an order of preference for placement. States that the fact that the child is not yet placed in a preadoptive home nor with a relative or foster family who is prepared to adopt the child shall not constitute a basis for the court to conclude that the child is unlikely to be adopted. Requires the court, if it finds that termination of parental rights would be detrimental to the child, to state its reasons in writing or on the record.

**DEPENDENT CHILDREN: STATUS REVIEW HEARINGS** T  
SB 1482 ROSENTHAL, CH. 355  
W&I 366.3  
Requires the court, rather than the county welfare department, to conduct the six-month review hearing when the dependency court has terminated parental rights and ordered a child placed for adoption. Requires the court to make necessary orders to protect the stability of the child and to expedite the permanent placement of the dependent child. Requires the county welfare department to prepare a report containing specified information, including any impediments to adoption.

**JUVENILES: KIDNAPPING** T  
AB 1290 HAVICE, CH. 925  
W&I 676, 707; PEN 261.5, 288, 667.71, 1170.1, 12022.53  
Makes applicable to certain kidnapping enhancements provisions of existing law that do the following: Require admission of the public to a juvenile court hearing and require consideration of certain information in the juvenile court's fitness hearing.

**JUVENILE DELINQUENCY: DESTRUCTION OF RECORDS** T  
SB 1387 KARNETTE, CH. 374  
W&I 781  
Prohibits the sealing or destruction of juvenile records for juveniles 16 years of age or older at the time they committed serious or violent offenses. Makes these records available for inspection and use by all law enforcement personnel, prosecutorial agencies, and attorneys for a person who is the subject of those records.

**YOUTHFUL OFFENDERS: CONTINUED TREATMENT** T  
SB 2187 SCHIFF, CH. 267  
W&I 1801, 1801.5  
Recasts and clarifies current law regarding civil commitment of California Youth Authority (CYA) wards beyond the age of 25. Specifically, repeals a redundant procedure regarding hearings to determine if a minor shall continue to be held by the CYA.

**MINORS: FOSTER CARE** T  
SB 933 THOMPSON, CH. 311  
URGENCY, EFFECTIVE: 08-19-98  
W&I 11274, 11320.3; GOV 12545; PEN 3100  
Generally, makes significant changes to the foster care system in California. Specifically, and among other things, requests the Judicial Council to adopt policies that would facilitate timely educational placement and transfer of educational background information; requires out-of-state group homes that accept children from California to be certified by the Department of Social Services that they meet the same standards as facilities operating within the state; prohibits placement of foster children in facilities that are not certified; requires that counties establish a multidisciplinary team assessment and placement recommendation process for out-of-state group home placements within six months of the operative date of the bill.

**CHILD SUPPORT ENFORCEMENT: INCENTIVE PROGRAM** T  
SB 1410 BURTON, CH. 404  
W&I 15200.75, 15200.81, 15200.91, 15200.95  
Implements, on a phased-in basis, a performance-based child support incentive program. Through September 30, 1999, counties that comply with specified data-reporting requirements will be entitled to a combined federal and state

incentive payment of 13.6 percent of the county’s distributed collections. Beginning October 1, 1999, incentive payments will be based on a county’s cost-effectiveness and administrative effort. To receive any state incentives, a county must comply with specific data-reporting requirements and with state and federal child support laws and regulations.

**CHILDREN’S SERVICES** T  
*AB 1801 DAVIS, CH. 509*  
*W&I 18973*  
Specifies that an integrated children’s services program is a coordinated children’s services system that offers a full range of behavioral, health, and mental health services, including applicable educational services, to seriously emotionally disturbed and special-needs children. Clarifies the responsibilities of multidisciplinary team members, which may include “juvenile justice services.”

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